

ORDINANCE NO. 48-937

AN ORDINANCE AMENDING SECTION 3.97.010 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO EXPANSION OF THE AREA IN WHICH SIDEWALK VENDING IS ALLOWED WITHIN THE CITY AND REPEALING THE ORIGINAL OF SAID SECTION.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA,
KANSAS:

SECTION 1. Section 3.97.010 of the Code of the City of Wichita, Kansas shall read as follows: **"Definitions.** For the purposes of this chapter, the following words and phrases when used herein shall have the meanings respectively ascribed to them in this section except when the context otherwise clearly indicates:

- (a) "Central business district" means that area of the City of Wichita bounded by:
 - (1) Lewis Street, the Arkansas River, Elm Street and Washington Avenue; and
 - (2) Douglas Avenue from the Arkansas River to Seneca Street.
- (b) "Food" means any raw, cooked, or processed edible substance, ice, beverage, or ingredients used or intended for use or for sale in whole or in part for human consumption.
- (c) "Person" means any individual, or any corporation, firm, partnership, association, organization, joint venture, charitable organization or any other group acting as a unit or any representative thereof.
- (d) "Sidewalk or sidewalk area" means that portion of a street or public right-of-way between the curb lines, or the lateral lines of a roadway and the adjacent property line intended for use by pedestrians.

(e) "Sidewalk vending" means engaging in the business of peddling, vending, selling, or displaying for sale any merchandise or food wherein the sale of the said merchandise or food takes place when both the vendor and the vendee are upon a public sidewalk or sidewalk area.

(f) "Street" means the entire width between the curb lines or the lateral lines of a roadway or every way publicly maintained when part thereof is open to the use of the public for purposes of vehicular traffic. As used in this chapter, the word "street" shall include any public road, highway, street, avenue, thoroughfare, trafficway, boulevard, alley, lane and any other public way for vehicular traffic by whatever name unless the context clearly indicates otherwise.

(g) "Street vending" means engaging in the business of peddling, vending, selling, or displaying for sale any merchandise or food that occurs while the person travels by foot or any type conveyance from house to house or place to place, or is upon any street and/or adjacent to the curb or lateral line of any street, providing that the parking or placing of a vehicle, cart, stand, or temporary contrivance used to store, transport, or display merchandise or food shall not constitute street vending if both the vendor and vendee are upon the sidewalk.

(h) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, and also includes any cart, stand, wagon, or other temporary contrivance used in the course of any vending operation.

(i) "Vendor" means any person as defined herein who is engaging in the business of street or sidewalk vending.

SECTION 2. The original of Section 3.97.010 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 3. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon adoption and publication in the official city newspaper.

PASSED by the governing body of the City of Wichita, Kansas, this 25th day of January, 2011.

Carl Brewer, Mayor

Attest:

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf, Director of Law